

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

DAVID D. HIGHTOWER,

Petitioner,

v.

MYLES STRID,

Respondent.

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No. 2:22-cv-00053-SPM

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On August 18, 2022, the Court received from petitioner a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1). At the time of the filing, petitioner did not pay the \$5.00 filing fee, and did not file a motion for leave to proceed in forma pauperis.¹ On November 14, 2022, the Court ordered petitioner to either file a motion for leave to proceed in forma pauperis or pay the entire filing fee. (Docket No. 5). To aid his compliance, the Court directed the Clerk of Court to send him a copy of the Court's motion for leave to proceed in forma pauperis form. Petitioner was given thirty days in which to comply, and advised that his failure to comply could result in the dismissal of this action.

More than thirty days have elapsed and petitioner has not complied with the Court's order. That is, petitioner has neither paid the filing fee nor moved for leave to proceed in forma pauperis. Therefore, the Court will direct petitioner to show cause in writing as to why his case should not be dismissed for failure to comply with the Court's order of November 14, 2022. He will be given **twenty-one (21) days** to respond. Failure to respond will result in the dismissal of this action without prejudice and without further notice.

¹ The Court notes that in an attachment to his petition, petitioner states that his "sister is going to pay [his] filing fee." (Docket No. 1-4 at 1). There is no indication that such payment has been made.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send to petitioner a copy of the Court's order of November 14, 2022 (Docket No. 5).

IT IS FURTHER ORDERED that the Clerk of Court shall send to petitioner a copy of the Court's motion for leave to proceed in forma pauperis form.

IT IS FURTHER ORDERED that petitioner shall show cause in writing and within **twenty-one (21) days** of the date of this order why this case should not be dismissed for failure to comply with the Court's order of November 14, 2022, which directed him to either pay the filing fee or move for leave to proceed in forma pauperis.

IT IS FURTHER ORDERED that if petitioner fails to respond in writing and within **twenty-one (21) days** of the date of this order, this action will be dismissed without prejudice and without further notice.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of January, 2023.